

Motion To suppress Ashlee Firestone, Dave Sexton, and Kimberly Drake, statements for reasons stated. All three declarants are on Virginia Federal cases. Kimberly Drake is on case # 1:18-cr-00025-JPJ-PMS-18 Western District of VA. called California Dream. Ashlee Firestone and Dave Sexton are on case # 1:19-cr-00047-JPJ-PMS, Western District of VA. All three declarants are not members of my conspiracy. As stated in United States v. James 576 F.2d 1121 (5th Cir 1978) quoting (a statement made by a declarant against the defendant must be made during the course and in furtherance of the conspiracy, and must be members of the same conspiracy. The Supreme court has stated that the rationale behind the coconspirators rule is the notion that coconspirators are partners in crime and the law deems them agents of one another. The "in furtherance of the conspiracy" requirement is analogous to the agency theory of "in the scope of the agent's authority" Anderson v. United States 417 U.S. 211, 94 S.Ct. 2253 41 L.Ed.2d 20 (1974). and a declaration by one defendant is admissible against ~~other~~ other defendants only when there is a sufficient showing, by independent evidence, of a conspiracy among one or more other defendants and the declarant and if the declarations at issue were in furtherance of that conspiracy".

APRIL ELIZABETH KESTNER knowingly conspired with each other and others to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, all in violation of Title 21, United States Code, Section 841(a)(1).

2. All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(viii).

### **COUNT TWO**

The Grand Jury charges that:

1. On or about November 14, 2018, ASHLEY FIRESTONE and DAVID SEXTON, in the Western District of Virginia and elsewhere, as principals and aiders and abettors, distributed and possessed with the intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

2. All in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii).

### **COUNT THREE**

The Grand Jury charges that:

1. On or about December 3, 2018, BRANDON LEE COOK, in the Western District of Virginia and elsewhere, distributed and possessed with the intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.